

**Senate Bill No. 446**

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Passed the Senate      August 26, 2004

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*Secretary of the Senate*

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Passed the Assembly      August 19, 2004

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day of  
\_\_\_\_\_, 2004, at \_\_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_\_

An act to add and repeal Section 6609.5 of the Welfare and Institutions Code, relating to sexually violent predators.

## LEGISLATIVE COUNSEL'S DIGEST

SB 446, Machado. Community release: local law enforcement costs: reimbursement.

Existing law provides for the judicial commitment for mental health treatment of a person found to be a sexually violent predator, as defined. Existing law requires that notice be given to local law enforcement agencies if the state is considering petitioning the court for the release of the sexually violent predator.

This bill would until January 1, 2007, make a city or county eligible to claim state reimbursement for reasonable local law enforcement costs, as defined, when a sexually violent predator is released from state custody for community placement into the city or county.

*The people of the State of California do enact as follows:*

SECTION 1. Section 6609.5 is added to the Welfare and Institutions Code, to read:

6609.5. (a) In addition to other local law enforcement costs reimbursed from the State Mandates Claims Fund pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code, if a sexually violent predator is released from state custody into a local community placement, the city or county into which the sexually violent predator is released shall be eligible to claim state reimbursement of reasonable local law enforcement costs related to the community placement of the sexually violent predator within that city or county as set forth in subdivision (b).

(b) A city or county may apply to the Controller for, and the Controller shall pay, reimbursement of reasonable local law enforcement costs, as follows:

(1) The state reimbursement under this section shall not exceed 25 percent of the actual eligible local costs as set forth in paragraph



(2), or forty thousand dollars (\$40,000) per sexually violent predator released to the county, whichever is less.

(2) Eligible local law enforcement costs include only all of the following costs incurred by the local entity over a three-month transitional period:

(A) The costs of direct police monitoring of the sexually violent predator.

(B) The costs of providing direct police protection for the victims and witnesses.

(C) The costs of providing direct police protection for the sexually violent predator, if necessary.

(3) Equipment costs and any costs of other services or activities not directly provided by peace officers as set forth in paragraph (2) are not eligible for state reimbursement under this section.

(c) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.



Approved \_\_\_\_\_, 2004

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*Governor*

